

CHRISTOPHER M. MCDERMOTT (SBN 253411)
cmcdermott@aldridgepite.com
TODD S. GARAN (CA SBN 236878)
tgaran@aldridgepite.com
ALDRIDGE PITE, LLP
4375 Jutland Dr., Ste. 200
P.O. Box 19734
San Diego, CA 92177-9734
Telephone: (858) 750-7600
Facsimile: (619) 590-1385

Attorneys for Movant
THE BANK OF NEW YORK MELLON f/k/a THE
BANK OF NEW YORK as Trustee for FIRST
HORIZON ALTERNATIVE MORTGAGE
SECURITIES TRUST 2005-AA8; Nationstar
Mortgage LLC (dba Mr. Cooper)

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA – MORESTO DIVISION

In re

Case No. 20-90210

JOHN HST YAP and IRENE LAIWAH
LOKE.

Chapter 11

Debtors and Debtors in Possession.

D.C. No. AP-1

**AMENDED NOTICE OF 4001(d)
MOTION TO APPROVE
STIPULATION RE:
TERMINATION OF THE
AUTOMATIC STAY**

[F.R.B.P. 4001(d)(1)]

[LBR 4001-1 and 9014-1(f)(1)]

Subject Property:
*1032 Deena Way
Fallon, NV 89406*

Hearing:

Date: April 29, 2021

Time: 10:30 a.m.
Pl. 1200 L.G.

**Place: 1200 I Street, Suite 200
Modesto, CA 95354**

Judge: Hon. Ronald R. Sargis (Chief)

111

1 **TO ALL INTERESTED PARTIES:**

2 **PLEASE TAKE NOTICE** that a hearing on THE BANK OF NEW YORK MELLON
3 f/k/a THE BANK OF NEW YORK as Trustee for FIRST HORIZON ALTERNATIVE
4 MORTGAGE SECURITIES TRUST 2005-AA8; Nationstar Mortgage LLC (dba Mr. Cooper) as
5 servicer's ("Movant") 4001(d) Motion to Approve Stipulation Re: Relief from Automatic Stay
6 ("Motion") will be heard in the above-captioned courtroom of the Honorable Ronald H. Sargis,
7 located at 1200 I Street, Suite 200, Modesto, CA 95354 on April 29, 2021 at 10:030 A.M. The
8 Motion is based on the Motion and Points and Authorities therein, the pleadings and papers on
9 file herein, and upon such oral and documentary evidence as may be presented by the parties at
10 the hearing.

11 **PLEASE TAKE FURTHER NOTICE** that any opposition to the granting of the
12 Motion shall be in writing, supported by written evidence, and shall be served on Movant's
13 counsel, Aldridge Pite, LLP, at 4375 Jutland Drive, Suite 200; P.O. Box 17933, San Diego, CA
14 92177-0933, and filed with the Clerk by the responding party, at the United States Bankruptcy
15 Court, 1200 I Street, Suite 200, Modesto, CA 95354, not less than fourteen (14) calendar days
16 preceding the noticed (or continued) date of hearing.

17 The opposition shall specify whether the responding party consents to the Court's
18 resolution of the disputed material factual issues pursuant to FRCivP 43(e) as made applicable by
19 FRBP 9017. If the responding party does not so consent, the opposition shall include a separate
20 statement identifying each disputed material factual issue. The separate statement shall
21 enumerate discretely each of the disputed material factual issues and cite the particular portions
22 of the record demonstrating that a factual issue is both material and in dispute. Failure to file the
23 separate statement shall be construed as consent to resolution of the motion and all disputed
24 material factual issues pursuant to FRCivP 43(e).

25 **PLEASE TAKE FURTHER NOTICE** that unless written opposition and supporting
26 evidence are timely filed with the Clerk of the Court, and served on the Movant, the court may
27 strike untimely filed written opposition and resolve the matter without oral argument or impose
28 sanctions. Respondents or other parties may determine if the matter has been resolved without

1 oral argument or whether the court has issued a tentative ruling and can view pre-hearing
2 dispositions by checking the Court's website at www.caeb.uscourts.gov after 4:00 P.M. the day
3 before the hearing. Parties appearing telephonically must view the pre-hearing dispositions prior
4 to the hearing.

5 ALDRIDGE PITE, LLP

6
7 Dated: March 26, 2021

/s/ Todd S. Garan
8 TODD S. GARAN
9 Attorneys for Movant

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28